



County of Los Angeles CHIEF EXECUTIVE OFFICE

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SACHI A. HAMAI
Interim Chief Executive Officer

August 20, 2015

To: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to Support SB 522 (Mendoza), if amended.** This measure would establish a product stewardship take-back program in which fireworks manufacturers, as part of a joint organization, or individually, would be responsible for the collection and for the disposal of seized, illegal fireworks. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacture responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local governments to producers, in order to reduce public costs and encourage improvements in product design that promote environmental sustainability, **the Sacramento advocates will support SB 522 if amended to: 1) include a five-year sunset date; and 2) require the disposal of illegal fireworks on a needs-based and geographic basis.**
- **Status of County-Sponsored Legislation**
 - **County-co-sponsored AB 879 (Burke)** - related to the notice of dependency hearings by electronic mail, was signed by the Governor on August 17, 2015.

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- **Status of County-Advocacy Legislation**

- **County-supported SB 439 (Allen)** - related to conditional voter registration, provisional voting, and the regulation of electronic poll books and ballot-on-demand systems, passed the Assembly Appropriations Committee on August 19, 2015.

- **Status of Legislation of County Interest**

- **SB 415 (Hueso)** - related to local elections, passed the Senate Floor on August 17, 2015, and now proceeds to the Governor.

Pursuit of County Position on Legislation

SB 522 (Mendoza), which as amended on July 13, 2015, would establish a product stewardship take-back program in which fireworks manufacturers, as part of a joint organization, or individually, would be responsible for the collection and for the disposal of seized, illegal fireworks.

Under current law, the Office of the State Fire Marshal (SFM) is required to dispose of seized illegal fireworks, including those seized by local agencies. The State Fire Marshal is reimbursed for disposing of seized fireworks from civil and administrative fines imposed for the possession of 25 pounds or less of dangerous fireworks.

SB 522 would repeal these provisions, and instead establish a Fireworks Stewardship Program, which would prescribe procedures for entities that are authorized to seize fireworks to provide for the transfer, storage, transportation, and repurposing of seized fireworks. Specifically, this bill would:

- Require a Fireworks Stewardship Organization (FSO) or a fireworks manufacturer to submit, by January 30, 2016, for the approval of the SFM, an interim plan for the collection and for the disposal of fireworks seized over the July 4, 2016, sales period, including a financial plan to cover any associated costs and plans for any retailer fees;
- Require, by July 1, 2016, a fireworks manufacturer, individually, or through a FSO, to submit to the SFM an on-going fireworks stewardship plan and a program budget that includes anticipated revenues from fireworks disposal fees

and the out-of-state sale of recuperated fireworks which are legal outside of California;

- Beginning January 1, 2017, require fireworks manufacturers as a condition of receiving State wholesale permits to be members of a FSO with an approved fireworks stewardship plan in place;
- Establish procedures by which a seizing entity may arrange for the transfer of seized fireworks to a FSO which would accept full responsibility and liability for the picking up and handling of the product; and
- Require all criminal fines imposed for violations of the fireworks laws collected by the courts to be deposited with the county treasurer of the county in which the court is situated. (Currently, 65 percent of fine revenues are distributed to the SFM and 35 percent are allocated to reimburse the local public safety agencies for enforcement expenses.)

Under SB 522, a fireworks stewardship plan must include:

- A description of education and outreach efforts to nonprofit organizations and those who sell legal fireworks regarding the responsible use of fireworks and the hazards of illegal fireworks;
- The names of manufacturers and brands of fireworks covered under the plan;
- Procedures to ensure the continued implementation of the plan if the manufacturer or the FSO no longer exists due to bankruptcy, dissolution, or similar events;
- A process to ensure payment to hazardous waste facilities for the reasonable costs of collecting, storing, and processing seized fireworks;
- An audit plan to ensure that any fireworks that are legal under Federal law, and are shipped outside of the State, do not reenter California;
- Provisions for an annual report to the SFM documenting the prior year's seizures, shipments, sales, and disposals;

- A plan developed with State and local law enforcement to reduce the volume of illegal fireworks entering California; and
- Measures to ensure that hazardous waste is managed in accordance with State and Federal hazardous waste laws and regulations.

The FY 2015-16 State Budget Act included a County-supported proposal to allocate \$5.0 million for the disposal of statewide stockpiles of illegal fireworks. This one-time allocation was intended to address the disposal of illegal fireworks seized and stored in 2014, including the disposal of approximately 88,000 pounds of seized, illegal fireworks the County stockpiled. The funding was also intended for the disposal of illegal fireworks seized in 2015. The Fireworks Stewardship Program established under SB 522 was developed by the Administration to create a long-term solution and funding for the ongoing disposal of illegal fireworks.

The Fire Department reports that every year the County seizes and stockpiles an average of 100,000 pounds of illegal fireworks, which need to be disposed of in a timely manner so as not to create dangerous conditions. The Fire Department indicates that SB 522 would provide on-going funding and establish standard procedures for the safe disposal of illegal, seized fireworks. However, the Department expresses concerns that as currently amended, SB 522 would remove the State's current liability to dispose of illegal fireworks and establish a new, yet unproven program that would rely on non-government entities to address this public safety issue. In addition, the Fire Department notes that SB 522 does not contain provisions to require an FSO to manage the disposal of illegal fireworks on a needs-based or geographic basis.

The Sheriff's Department concurs with the Fire Department, noting that the stewardship program proposed under SB 522 is the best option currently available for the disposal of illegal fireworks. In addition to the concerns reported by Fire, the Sheriff's Department indicates they have concerns regarding the proposed provisions in SB 522 which would allow the resale of unopened, seized fireworks outside of the State. The Sheriff's Department plans to work closely with other statewide law enforcement and fire agencies and the SFM to ensure that these illegal fireworks do not reenter into California.

This office and the Fire Department recommend a support position on SB 522 if amended to: 1) include a five-year sunset, prior to which a study would be required to demonstrate the effectiveness of the Fireworks Stewardship Program to determine

continuance of the program, or alternatively, to revert to current existing statutes; and 2) require that the disposal of illegal fireworks by a FSO be prioritized based on the quantity of illegal fireworks seized by collecting agencies.

Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local governments to producers, in order to reduce public costs and encourage improvements in product design that promote environmental sustainability, **the Sacramento advocates will support SB 522 if amended to include a five-year sunset date and requirements for the disposal of illegal fireworks on a needs-based and geographic basis.**

SB 522 is pending a referral to a policy committee in the Assembly. There currently is no registered support or opposition on file for this measure.

Status of County-Sponsored Legislation

County-co-sponsored AB 879 (Burke), which as amended on July 7, 2015, would authorize a pilot program until January 1, 2019, for a county, or city and county, and the court to provide notice by electronic mail to parties in dependency cases, and would permit an individual to receive notice of scheduled court hearings electronically, who has consented to such service and met specified requirements, among other provisions, was signed by the Governor on August 17, 2015. This measure is Chapter 219, Statutes of 2015, and it becomes effective January 1, 2016.

Status of County-Advocacy Legislation

County-supported SB 439 (Allen), which as amended on June 11, 2015, would permit conditional voter registration and provisional voting at satellite offices prior to an election day, and provide for the regulation of electronic poll books and ballot-on-demand systems, passed the Assembly Appropriations Committee by a vote of 12 to 4 on August 19, 2015. This measure now proceeds to the Assembly Floor.

Status of Legislation of County Interest

SB 415 (Hueso), which as amended on June 23, 2015, would prohibit a local election on a date other than the date of a statewide election, if holding a local election on an alternative date would result in a 25 percent or greater decrease in voter turnout. If

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enacted, this bill would be effective on January 1, 2018. SB 415 passed the Senate Floor by a vote of 26 to 12 on August 17, 2015. This measure now proceeds to the Governor.

We will continue to keep you advised.

SAH:JJ:MR
VE:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
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